

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.)
)
JOSEPH DEJON MANNING,)
)
)
Defendant.)

No. 3:23-CR-105-TAV-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Joseph Dejon Manning's Unopposed Motion to Continue Plea Deadline and Trial and Set Motions Deadline [Doc. 13], filed on February 1, 2024.

In his motion, Defendant Manning asks the Court to continue the trial date and to extend all related deadlines by approximately sixty days. Defendant requests that the Court set a motions deadline¹ and notes that there remains outstanding discovery [Doc. 13 p. 1]. The motion relates that on November 16, 2023, Defendant made an initial appearance on the Indictment and defense counsel was appointed. Defendant asserts that “[d]efense counsel and the government are in good communication regarding outstanding discovery in this case[;];” however, “[d]efense counsel needs to review complete discovery to be able to effectively advise [Defendant] regarding motions practice and/or a potential resolution in this matter” [Id.]. Defendant's motion reflects that he understands that the period of time between the filing of this motion for a continuance and a

¹ The Court construes this as a request to reopen the motions deadline, which expired on December 14, 2023 [Doc. 8 p. 4].

rescheduled court date will be fully excludable for speedy trial purposes and that counsel for the Government does not oppose the requested relief.

Based upon the information in Defendant's motion and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs more time to review, discuss, and evaluate discovery with Defendant, determine if any pretrial motions are appropriate, engage in potential plea negotiations with the Government, and to prepare for trial in the event plea negotiations are not fruitful. The Court finds that all of this cannot occur before the March 5, 2024 trial date.

The Court therefore **GRANTS** Defendant Joseph Dejon Manning's Unopposed Motion to Continue Plea Deadline and Trial and Set Motions Deadline [**Doc. 13**]. The trial of this case is reset to **May 21, 2024**. A new, comprehensive trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on February 1, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

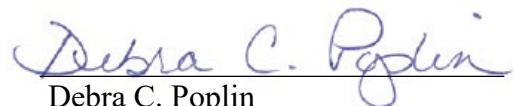
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Joseph Dejon Manning's Unopposed Motion to Continue Plea Deadline and Trial and Set Motions Deadline [**Doc. 13**] is **GRANTED**;

- (2) the trial of this matter is reset to commence on **May 21, 2024, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **February 1, 2024**, and the new trial date of **May 21, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing pretrial motions is extended to **March 1, 2024**, and responses to motions are due on or before **March 15, 2024**;
- (5) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **April 19, 2024**;
- (6) the deadline for filing motions *in limine* is **May 6, 2024**;
- (7) the parties are to appear before the undersigned for a final pretrial conference on **May 7, 2024, at 10:00 a.m.**; and
- (8) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **May 10, 2024**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge